



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

APR 12 2005

Ref: 8ENF-W

CERTIFIED MAIL LETTER 7003 2260 0001 7778 7551
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Larry Jorgenson, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
High Country Subdivision
PWS ID#5600216

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the High Country Subdivision, Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The system is in violation of 40 C.F.R. §§ 141.81(e), 141.63(a)(2), 141.31(b), 141.21(g)(1) for: failure to install corrosion control treatment after exceeding the copper action level; failure to comply with the Maximum Contaminant Level (MCL) for total coliform; and failure to report NPDWR and total coliform MCL monitoring violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Gina Andrews at (303) 312-6688.

Sincerely,

A handwritten signature in cursive script, reading "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

APR 12 2005

CERTIFIED MAIL LETTER 7003 2260 0001 7778 7568
RETURN RECEIPT REQUESTED

Cody Brinton, President
High Country Subdivision
850 S. High country Dr.
Jackson, WY 83001

Jon Wagner, Operator
High Country Subdivision
875 ½ High Country Dr.
Jackson, WY 83001

Re: Administrative Order
Docket No. **SDWA-08-2005-0014**
PWS ID #WY5600216

Dear Mssrs. Brinton and Wagner:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that High Country Subdivision is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.81(e), 141.63(a)(2), 141.31(b), 141.21(g)(1) for: failure to install corrosion control treatment after exceeding the copper action level; failure to comply with the Maximum Contaminant Level (MCL) for total coliform; and failure to report NPDWR and total coliform MCL monitoring violations to EPA. EPA recognizes that the water system has been in compliance with the total coliform rule from December 2002 to present.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to



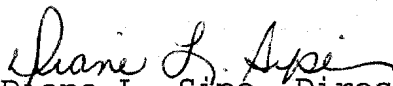
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\$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Gina Andrews at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Andrews at (800) 227-8917, extension 6688, or (303) 312-6688. If you wish to have an informal conference with EPA, you may also call or write Ms. Andrews. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order

cc: Alice Swank, High Co Subdivision
Larry Robinson, WDEQ (via email)
Jeff Hermansky, WDEQ (via email)
Dennis Lamb, WDEQ (via email)
Doyle Conklin, WDEQ (via email)
Lou Harmon, WDEQ (via email)
Dr. David Barber, WDH (via email)
Dr. Tracy Murphy, WDH (via email)
Dr. Brent Sherard, WDH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 APR 12 AM 10:52

IN THE MATTER OF)

High Country Subdivision)
Jackson, Wyoming)

Respondent)

Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0014

The following Findings are made and Order is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. High Country Subdivision (Respondent) is an association and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the High Country Subdivision Water System (the System), located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to an August 10, 2004 sanitary survey by an agent for EPA, the System is supplied solely by a ground water source consisting of one well operating since 1999 and serves approximately 75 persons per day through 26 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.81(e) requires community public water systems that exceed the lead or copper action level to recommend treatment for corrosion control within six months of exceeding the lead or copper action level, and to install optimum corrosion control treatment within 24 months after EPA designates such treatment.
2. Respondent first exceeded the action level for copper in 1993. EPA approved Respondent's corrosion control



recommendations on August 10, 2000. Corrosion control treatment was required to be installed by August 10, 2002. Respondent has not installed corrosion control treatment, and therefore has been in continuous violation of 40 C.F.R. § 141.81(e) from 2002 to the present. Respondent's monitoring results have since exceeded the copper action level in 1997, 2002 and 2004.

II.

1. 40 C.F.R. § 141.21 requires public water systems to monitor their water once per quarter to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as allowing no more than one sample collected during the month to be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the System during December 2002 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).



III.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.31(b).

IV.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after the system learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violation detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(1).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. In order to obtain current data on the levels of lead and copper in the water system, within 30 days of the date of this Order and again between July 1, and December 31, 2005, Respondent shall comply with the lead and copper requirements as specified in the Safe



Drinking Water Act and 40 C.F.R. Part I (Control of Lead and Copper). Respondent shall:

- (a) Collect 5 samples that are first-draw, one-liter in volume, and have stood motionless in the plumbing system for at least 6 hours in accordance with 40 C.F.R. § 141.86(b) at sampling sites selected in accordance with 40 C.F.R. § 141.86(a);
- (b) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89;
- (c) Report the results of the tap water monitoring to EPA within 10 days of receiving the results, including:
 - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
 - ii. certification that each first draw sample collected is one-liter in volume, and to the best of one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;
 - iii. where residents collected the samples, a certification that each tap sample collected



by the residents was taken after the water system informed them of proper sampling procedures specified in 40 C.F.R § 141.86(b) (2);

iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with 40 C.F.R § 141.80(c) (3).

2. If the System's water does not exceed the lead and copper action levels during the monitoring periods in paragraph 1 above, Respondent will not be required to install corrosion control treatment at this time and thereafter shall monitor for lead and copper in accordance with 40 C.F.R. § 141.86(d) and in accordance with any monitoring instructions from EPA.
3. If any of the monitoring results collected in either monitoring period as required in paragraph 1 of this Order exceed an action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within two weeks of receiving the monitoring results, comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for source water monitoring and reporting as specified in



40 C.F.R. §§ 141.88, 141.89, and 141.90. Respondent shall report results to EPA within 10 days of receiving the results. Respondent shall:

- (a) Collect 2 tap samples at 1 site that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. §§ 141.87(a)(1)(i) and 141.87(a)(2)(i).

Respondent may collect WQP samples at the same locations as those used for coliform sampling under 40 C.F.R. § 141.21.

- (b) Collect 2 samples for each applicable WQP at each entry point(s) to the distribution system that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(1)(ii) and § 141.87(a)(2)(ii). The applicable WQPs are specified in 40 C.F.R. § 141.87(b) and are:

- i. pH
- ii. alkalinity
- iii. orthophosphate (when an inhibitor containing a phosphate compound is used)
- iv. silica (when an inhibitor containing a silicate compound is used)
- v. calcium
- vi. conductivity, and



vii. water temperature

- (c) Collect one source water sample from each entry point to the distribution system, in accordance with 40 C.F.R. §§ 141.88(a) and (b).
 - (d) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89.
4. If any of the monitoring results collected in either monitoring period required in paragraph 1 of this Order exceed an action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within 3 months of exceeding any action level, provide optimal corrosion control and source water treatment recommendations to EPA. Within eight months of obtaining EPA's approval of the treatment recommendations, Respondent shall have optimal corrosion control and, if applicable, source water treatment installed. Within one week of project completion, Respondent shall notify EPA in writing that the project is complete.
5. After installation of optimal corrosion control treatment as outlined in paragraph 4 above, Respondent shall collect 10 tap samples during each two consecutive 6-month monitoring periods (January-June and July-December) immediately following treatment



installation, in accordance with 40 C.F.R. Part I and as outlined in paragraph 1(a) through (c) above.

Respondent shall report the results of the tap water monitoring to EPA for lead and copper within 10 days following the end of each monitoring period, in accordance with 40 C.F.R. § 141.90(a). The System must also continue WQP monitoring during these periods as follows: a) two samples must be collected at one site in the distribution system during each 6-month monitoring period AND 2) one sample must be collected at each entry point to the distribution system every two weeks. Respondent shall submit monitoring results to EPA within 10 days of receiving the results.

- a) If the System does not exceed the lead and copper action levels during both monitoring periods in this paragraph 5, the frequency and number of tap samples will be reduced and the System may discontinue WQP monitoring.
- b) If the System exceeds the lead or copper action level during either monitoring period following treatment installation, EPA will, based upon the WQP results collected during the twelve month period in paragraph 3 above, establish WQP values the System must meet in all subsequent monitoring periods to remain in compliance.



6. Upon the effective date of this Order, Respondent shall comply with the total coliform MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
8. Except where a different reporting period is specified in paragraph 7 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
9. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region VIII (8P-MS-W)
999.18th Street, Suite 300
Denver, Colorado 80202-2466



GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

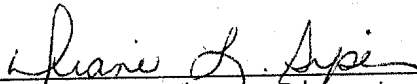


4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 12th day of April, 2005.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

